

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

FAO.No. 29 of 2004()

AGAINST THE ORDER DATED 20/12/2003 IN IA 866/2003 IN
OS.56/2003 of SUB COURT, CHERTHALA
.....

APPELLANT/PETITIONER/PLAINTIFF

P.N.RAJASEKHARAN,
S/O.KRISHNAN NAIR, PALLIPPADU VEETIL,
THANNERMKUKKOM MURI,
THANNEERMUKKOM VADAKKU VILLAGE,
REPRESENTED BY POWER OF ATTORNEY HOLDER
P.N.MURALEEDHARAN.

BY ADV. SRI.ANTONY DOMINIC
SRI.A.M.SHAFFIQUE
SMT.PRIYA MAHESH

RESPONDENTS: CR.PETITIONERS/DEFENDANTS

1. SCARIA, S/O.KUNJAGASTHI, POMPOZHIYIL
VEETIL, CMC, XIV, CHERTHALA KIZHAKKUM MURI
KOKKOTHAMANGALAM VILLAGE, CHERTHALA.
2. ANTO, S/O. MATHEW, MARANATTU VEETIL, VARANAM MURI,
THANNEERMUKKOM VADAKKU VILLAGE.

BY ADV. SRI.R.HARIKRISHNAN
SRI.SUDHEENDRAN. K.Y.
SRI.N.ASHOK KUMAR
SMT.A.SINDHULAKSHMY
SMT.R.REMA
SRI.ANUKARSHAN.C
SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD
ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Dated this the 19th day of January, 2007.

J U D G M E N T

Kurian Joseph, J:

This appeal is directed against the order dated 20/12/2003 in IA.866/2003 in OS.56/2003 on the file of the Sub Court, Cherthala.

2. In the nature of the view we propose to take, it is not necessary to extensively refer to the facts. As per the order under appeal, the application for interim injunction filed by the appellant-plaintiff was dismissed.

3. When the appeal is admitted, this Court passed the following order on 5/2/2004 in IA.311/2004:

“Notice. There will be an order of injunction restraining the respondents or any person under them from changing the nature and character of the plaint schedule property or from committing waste for a period of one month.”

The said order was extended until further orders by order dated 5/3/2004.

In the above circumstances we dispose of this appeal directing the trial court to dispose of the suit as expeditiously as possible. The interim order will be maintained till such time.

**Kurian Joseph
Judge.**

**A.K. Basheer
Judge.**

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